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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,554

07/19/2006

Edward Marion Casaccia

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EXAMINER

HARVEY, DAVID E

ART UNIT

PAPER NUMBER

2621

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,554	<b>Applicant(s)</b> CASACCIA ET AL.	
	<b>Examiner</b> DAVID E. HARVEY	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

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1. **With respect to the arguments filed 6/7/2010:**

**A) The examiner maintains that the recitations of the pending claims [e.g., instant claim 1] are sufficiently broad and unspecific whereby the scope of the claims reads on a conventional process of programming user programmable “soft keys” in a conventional A/V production system. In this regard the following is noted**

1) The preamble of claim 1 indicates that claim 1 is in fact directed to a “method of controlling a video production device” for the intended purpose of producing a show. As recited in claim 1, the method comprises the following steps:

a) A step of “***establishing a plurality of states of the at least one production device, each state corresponding to at least one operation executable by the device***”

{The examiner maintains that this recitation broadly reads on the user’s ability to program the “programmable soft keys” of an A/V production device wherein the user defines, and thereby “establishes”, respective processing sequences to be assigned to each of the “soft keys” so that, when physically actuated, each of the soft keys causes the production device to assume the specific “state” in which a plurality of operations, defined by the sequence, are executed by the production device}

2) A step of “***storing the states of the at least one production device as corresponding memory objects which upon execution cause the one production device to execute the at least one operation, which results in generation of a scene***”

{The examiner maintains that this recitation broadly reads on the storing of the programming sequences for each soft key, wherein each stored programming sequence represents a stored software “memory object” defining the user established production sequence for the respective soft key which, when executed by the device, results in the generation of a corresponding A/V sequence (i.e., a “scene”)}

3) Wherein “***responsive to selection of each memory object, physically actuating at least one actuator of the at least one production device to control an operation of the at least one production device in accordance with the at least one operation associated with that state memory object so the actuator manifests a status of the production device***”.

{The examiner maintains that this recitation broadly reads on the user’s selection of one the stored “memory objects”, via the

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physical actuation of the corresponding soft key, whereby the stored memory object manifests a status in the production device by causing the device to operate in accordance with the sequence of operations defined by the object }

**B) For the reasons explains in the section 103 rejections of record, the examiner maintains that the art of record establishes the fact that user programmable soft key controlled A/V production devices, of the type discussed in part A of this paragraph above, were at least “obvious” at the time of the invention.**

**2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,786,519 to Fujita et al in view of:**

**A) EP 817474 to Fegesch; and**

**B) EP 579354 to Teece.**

**I. The showing of Fujita et al.:**

1) In lines 15-33 of column 1, Fujita et al evidences the fact that configurable video signal processing/production systems were notoriously well known in the art:

"The video signal processing apparatus covered by this invention is arranged between a source of a video signal and the final output for switching, combining, giving specific effects, adjusting synchronization, correcting, converting, storing, etc. the video.

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The sources of a video signal include cameras, video tape recorders, disk drives, video transmitted from remote locations, text and images generated by computer, and so on. The destinations of the final outputs of a video include broadcasting facilities, video tape recorders, etc.

Because such video signal processing apparatuses are used for diverse purposes, it is common for the signal source, final output, and operator to change for each application.

For example, even when a video signal processing apparatus is set fixed in a studio, the number of cameras, the types of the special effects being utilized, and the text generated by the computer change with each program being produced."

2) As illustrated in Figure 97, Fujita et al evidences the fact that such conventional configurable video signal processing/production systems were known to have included one or more operator consoles (@ 15-17) each of which comprised a respective "freely configurable operator control panes" (@ 15a-17a):

"In addition, operator consoles 15, 16, and 17 including freely configurable operator control panels 15a, 16a, and 17a were provided. The operator control panels 15a, 16a and 17a could be assigned to specific video signal processing units or groups of video signal processing unit group for control.

Note that a 'freely configurable operator control panel' means a graphical user interface like display and operator control screen used as opposed to physical switches."

[Lines 35-43 of column 2]

## II. Differences:

Claim 1 differs from the system disclosed by Fujita et al only in that Fujita et al does not provide any details as to how the conventional "freely configurable operator control panels" of the prior art processing/production systems were implemented: i.e.,

- 1) Fujita et al does not describe the panel and displaying memory objects and associated physically actuating actuators;
- 2) That ones of the memory objects represented operating states of the devices being controlled.

## III. Obviousness:

1) As set forth in the English language abstract, in Figures 1-3, Fegesch describes a conventional configuration of circuitry that was known to have been used to implement freely configurable control panels of the type disclosed by Fujita et al. Specifically, Fegesch evidences that it was known for such control

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panels (e.g., @ 11,19) to have been configured, at the start of a given video signal processing/production cycle, with a variety of control elements (e.g., @ 13-16 and 20) needed for the given processing/production cycle, wherein the control elements are selected from a library of available control elements that are stored as software/memory objects in a memory (@ 12) and are associated with selectively display graphical symbols (@ a, b, c) displayed on the control panel. While not explicitly stated in the abstract, the examiner maintains that it would have been obvious to one of ordinary skill in the art for the control panel (@ 11,19) to have comprised a touch screen with the software/memory objects being associated with physically actuating actuator elements of the screen; i.e., the examiner taking Official Notice that such touch screen control panels were notoriously well known in the art. The examiner maintains that it would have been obvious to one of ordinary skill in the art to have implemented the control panel described in Fujita et al using the conventional circuitry configuration described by Fegesch given that Fegesch represents the prior art on which one skilled in the art would have necessarily relied for such details (given that such details were not provided in Fujita et al itself).

2) Teece has been cited because it evidences that it was known to those of ordinary skill in the art for the software/memory objects of such conventional control panels to have included software/memory objects indicative of "states" of the devices being controlled [e.g., Note: lines 2-9 and lines 25-27 of column 3; lines 22-35 of column 4; lines 18-50 of column 6; lines ]

The examiner maintains that it would have been obvious to one of ordinary skill in the art to have further modified the panel described by Fujita et al have includes software/memory objects that were indicative of device status as taught to have been desirable by Teece.

\*\*\*\*\*

**With respect to the arguments filed 6/7/2010, see paragraph 1 of this Office action.**

**4. Claims 2-6 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,786,519 to Fujita et al in view of:**

**A) EP 817474 to Fegesch; and**

**B) EP 579354 to Teece,**

**for the same reasons that were set forth above for claim 1. Additionally:**

Note lines 31-39 of column 6 in Teece.

**5. Claim 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,786,519 to Fujita et al in view of:**

**A) EP 817474 to Fegesch; and**

**B) EP 579354 to Teece,**

**for the same reasons that were set forth above for claim 1.**

The examiner notes that the operation addressed above for claim 1 must be performed by structure (i.e., "means")

**6. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,786,519 to Fujita et al in view of:**

**A) EP 817474 to Fegesch; and**

**B) EP 579354 to Teece,**

**for the same reasons that were set forth above for claim 17. Additionally:**

Note lines 31-39 of column 6 in Teece.



**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DAVID E. HARVEY** whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Peter-Anthony Pappas, can be reached on (571) 272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/DAVID E HARVEY/**

**Primary Examiner, Art Unit 2621**

**DAVID E HARVEY**

**Primary Examiner**

**Art Unit 2621**